

ARTICLE I Amusement Devices (§ 88-1 — § 88-12)

[Adopted NRO 1975, T. 14, §§ 1401 to 1409 (Secs. 4-16 to 4-35 of the 1987 Code)]

§ 88-1 Definitions.

[Amended 10-10-1995 by Ord. No. O-95-128 ; 5-28-1996 by Ord. No. O-96-40 ; 11-25-2008 by Ord. No. O-08-45]

The following words and phrases, as used in this article, shall have the meanings given in this section:

AMUSEMENT DEVICE

Any mechanical or electronic machine which, upon insertion of a coin, or any other currency, slug, token, plate or disk, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include but not be limited to such devices as marble machines, pinball machines, skill ball, mechanical grab machines and all mechanical, electronic and video games, operations or transactions similar thereto under whatever name they may be designated or described, excepting only jukeboxes or other coin-operated machines used solely for the reproduction of music and amusement games of chance.

AMUSEMENT GAMES OF CHANCE

All amusement devices whose outcome is not substantially determined by the skill of the player, including but not limited to video poker, black jack, or similar machines or any machine which functions as a slot machine.

PERSON

Include any person who owns any amusement device, the person in whose place of business any amusement device is placed for use by the public, and the person having control over any amusement device.

POOL TABLE

A rectangular table, with cushions bounding the playing area with pockets (pool table) or without pockets (billiard table), whether it is coin-operated or not.

§ 88-2 Operation by minors prohibited; exception.

[Amended 9-11-1996 by Ord. No. O-96-55 ; 11-25-2008 by Ord. No. O-08-45]

No person shall permit a person under 16 years of age to play or operate any amusement game of chance as defined in this article; provided, however, that, the provisions of this section shall not apply to any person under 16 years of age accompanied by his or her parent, guardian or other suitable adult person having care and custody of such minor.

§ 88-3 Gambling devices prohibited.

Nothing in this section shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or any conduct contrary to law.

§ 88-4 Seizure and destruction of gambling devices.

[Amended 10-10-1995 by Ord. No. O-95-129 ; 9-11-1996 by Ord. No. O-96-55 ; 11-25-2008 by Ord. No. O-08-45]

If the Chief of Police shall have reason to believe any amusement device or amusement game of chance is used as a gambling device, the machine may be seized by the police and impounded; if upon trial a person allowing the operation of the device is found guilty, or pleads no contest, of allowing it to be used as a gambling device, it shall become the lawful property of the Police Department to, in its sole discretion, sell or destroy the device, without compensation to the owner. If the device is sold, all proceeds collected from said sale shall be credited to the general police fund to be used to support police efforts to reduce gambling activities.

§ 88-5 License required; fees.

[Amended 6-9-1981 by Ord. No. O-81-136 ; 5-1-1983 by Ord. No. O-82-16 ; 3-22-1983 by Ord. No. O-83-102 ;

10-10-1995 by Ord. No. O-95-148 ; 3-26-1996 by Ord. No. O-96-10]

A.

Each person shall, before allowing the operation of an amusement device on his premises, and annually on or before the first day of May thereafter, obtain from the Board of Aldermen a license to operate the device or devices and shall, for each license issued pursuant to this section, pay a fee of \$50 per machine for the first 10 machines and \$25 per machine for each additional machine.

[Amended 11-25-2008 by Ord. No. O-08-45]

B.

Each person shall, before allowing the operation of an amusement game of chance on his premises, and annually on or before the first day of May thereafter, obtain from the Board of Aldermen a license to operate the device or devices and shall, for each license issued pursuant to this section, pay a fee of \$500 per machine.

C.

Each person shall, before allowing the use of a pool table on his premises and annually on or before the first day of May thereafter, obtain from the Board of Aldermen a license to operate the pool table and shall, for each license issued pursuant to this section, pay a fee of \$15 per table.

[Added 11-25-2008 by Ord. No. O-08-45]

Editor's Note: This ordinance also redesignated former Subsection C as Subsection D.

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D.

Licenses required under this section shall be issued subject to procedures, regulations and guidelines as established by the appropriate aldermanic committee and filed in the office of the City Clerk.

§ 88-6 Duration and display of license; separate certificate for each address.

[Amended 9-13-1979 by Ord. No. O-79-214]

Each license issued under § 88-5 shall commence on the date of issue and shall expire on April 30 of each year. The license shall issue in the name of the owner of the machines licensed and shall be evidenced by a certificate stating the number of machines licensed, which shall be posted in a conspicuous location in the place where the machines are located. If one owner has two or more addresses at which machines are located, a separate certificate shall be issued for each address.

§ 88-7 Violations and penalties.

[Amended 6-9-1981 by Ord. No. O-81-136 ; 9-11-1996 by Ord. No. O-96-55 ; 11-25-2008 by Ord. No. O-08-45]

Any person who allows the operation of an amusement device or amusement game of chance on any premises owned by him or under his control without a license having been issued therefor under this article shall upon conviction be fined a sum of \$100 per machine.

§ 88-8 Posting of regulations.

[Amended 9-11-1996 by Ord. No. O-96-55]

The City Clerk shall have copies of this article printed and distributed to each licensee. Each establishment operating a mechanical amusement device or amusement game of chance shall post a copy of this article in a conspicuous place near the device.

§ 88-9 Seizure of unlawful devices.

[Amended 6-9-1981 by Ord. No. O-81-136 ; 9-11-1996 by Ord. No. O-96-55 ; 11-25-2008 by Ord. No. O-08-45]

The Police Department is hereby authorized to seize any amusement device or amusement game of chance located anywhere in the City in contravention of any of the provisions of this article. Upon such seizure the Police Department shall notify the owner of such seizure and reason therefor. The Police Department shall hold any such seized machines for a period of not less than seven days from the date of the required notification to the owner or operator of the premises. During this period the owner or operator may redeem any such machine by correcting the violation of this article which led to such seizure and by payment of an administrative fee of \$30 to the City Clerk. Any amusement devices or amusement games of chance which are so seized and which are not redeemed within the seven-day period described in this section shall become the property of the City. Costs for

transportation and storage charges will be billed to the owner/distributor for any amusement devices or amusement games of chance seized. The City will be held harmless for any damage occurring during the act of confiscation, transportation and storage of each machine.

§ 88-10 Suspension and revocation of licenses.

[Amended 10-10-1995 by Ord. No. O-95-115; 12-26-1995 by Ord. No. O-95-148; 9-11-1996 by Ord. No. O-96-55]

A.

Upon the issuance of a criminal complaint by a court of competent jurisdiction against any person (as defined in § 88-1) associated with the license of amusement devices or amusement games of chance and arising from the use of the licensed amusement device or amusement game of chance, the license under which the device is permitted shall be considered suspended.

[Amended 11-25-2008 by Ord. No. O-08-45]

B.

Upon a subsequent finding of innocence or dismissal of the complaint said license shall be reinstated, notwithstanding any other action taken relative to said license in the intervening period.

C.

Upon a subsequent finding of guilt or upon entry of a plea of guilty, whether that plea is entered by the person of the court, said license shall be considered revoked.

D.

Such suspension or revocation shall be effective immediately upon notification of the licensee by the office of the City Clerk.

E.

Further, the City Clerk may, with approval of the appropriate committee, suspend or revoke such licenses. Such suspension or revocation shall be effective five days after the notification of the licensee by the office of the City Clerk. The licensee may request a hearing by said aldermanic committee during this period, in which case the license shall be considered suspended but not revoked until such time as the committee provides a hearing and takes final action.

§ 88-11 Amusement games of chance prohibited.

[Added 9-11-1996 by Ord. No. O-96-51]

A.

Starting on the effective date of Ord. No. O-96-51, adopted on September 11, 1996, from which this section is derived, no new license issued under the terms of this article shall permit the operation of an amusement game of chance as defined in § 88-1 of this article, and no amusement game of chance shall be substituted for an existing amusement game which is not an amusement game of chance under any existing license after the effective date of this section.

[Amended 11-25-2008 by Ord. No. O-08-45]

B.

Any existing amusement game of chance which is licensed upon the effective date of this section shall be exempted from the provisions of this section and shall remain legally licensed as long as the existing license continues to be renewed.

C.

If said existing license is allowed to expire without renewal, or if said existing license is revoked under the terms of § 88-10 of this article, any new license issued to the same person or persons shall be subject to the prohibitions of this article.

Editor's Note: Former Art. II, Poolrooms and Bowling Alleys, adopted NRO 1975, T. 14, §§ 1201a to 1204 (Secs. 4-36 to 4-40 of the 1987 Code, as amended, which immediately followed, was repealed 11-25-2008 by Ord. No. O-08-45. This ordinance also renumbered former Art. III as Art. II.

§ 88-12 **through § 88-16. (Reserved)**